



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

May 23, 2012

BY FACSIMILE

The Honorable Victor Marrero
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

USDC SDNY
DOCUMENT
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Re: United States v. Alphonse Trucchio et al.
S1 11 Cr. 614 (VM)
Defendant William Pazienza

Dear Judge Marrero:

Per consultation with Mr. Weinstock, a conference in the above-referenced matter is scheduled for this Friday, May 24, 2012, at 10:45 a.m. to address a request by one of the defendant's bail sureties for the return of cash security.

On November 30, 2011, the defendant was arrested on Indictment S1 11 Cr. 614 (VM) and was ordered released by Magistrate Judge Gorenstein pursuant to the following bail conditions: a \$1 million personal recognizance bond co-signed by 5 sureties to be secured by \$100,000 cash or property with \$500,000 in equity; travel restricted to the Southern and Eastern Districts of New York; the surrender of all travel documents; strict Pretrial supervision; and home detention with electronic monitoring.

Shortly after that initial appearance, defense counsel notified the Government that the defendant wished to post his son's salary advance policy in lieu of the \$100,000 cash or \$500,000 equity that had already been ordered by Magistrate Judge Gorenstein as a bail condition. The Government responded that it would not consent to such a modification and that as a matter of practice it did not accept salary advance policies as security for a bond. On December 13, 2011, after a hearing, Magistrate Judge Ellis modified the defendant's bail conditions to add the defendant's wife as a sixth surety and for the defendant to post \$10,000 in cash in lieu of the originally-ordered \$100,000 cash or \$500,000 in equity. Erin Ryan, the defendant's wife, signed onto the bond as a surety and posted \$10,000 cash.

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Ms. Ryan has contacted our Office and the Court multiple times, by phone and in writing, to obtain the return of the \$10,000 cash she posted. Her reasons are stated in a letter to the Court dated April 29, 2012. In addition, it is the Government's understanding that Ms. Ryan wishes to withdraw as a surety. The Government has proposed to defense counsel that the defendant obtain another financially responsible person to replace Ms. Ryan on the bond, consent to Ms. Ryan obtaining her \$10,000 cash, and post \$10,000 from another source. To date, defense counsel has not indicated whether such efforts are underway.

In any event, the Government opposes any modification to the defendant's bail conditions – which have been modified drastically already – should the defendant make such an application.

Respectfully submitted,

PREET BHARARA
United States Attorney
Southern District of New York

By: _____ /S/ _____
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Cc: John Servider, Esq. (By e-mail)
Lco Barrios, U.S. Pretrial Services (By e-mail)

The Clerk of Court is directed to enter into the public record of this action the letter above submitted to the Court by <u>the Government</u> .	
SO ORDERED.	
5-23-12 DATE	VICTOR MARRERO, U.S.D.J.